

### **REMARKS**

Claims 1-9, 19, 20, 23-24, 39, 40, 43-45, 47-49, 51, 53, 55-56, 58-61, and 65 are now pending in the application. Claims 1, 19, 47 and 53 have been amended. Claims 10-18, 21-22, 25-38, 41-42, 46, 50, 52, 54, 57 and 62-64 have been canceled. Support for the claim amendments may be found in the application as originally filed. No new matter has been entered. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

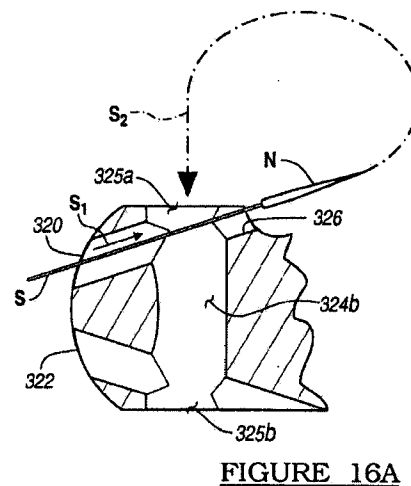
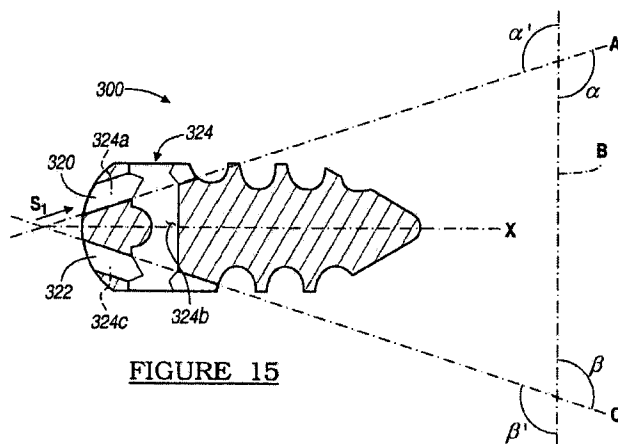
### **EXAMINER INTERVIEW**

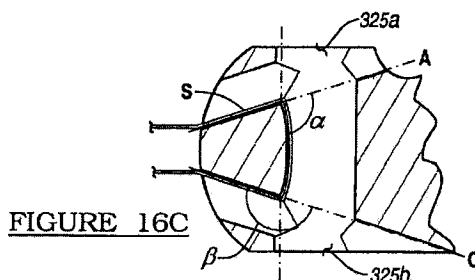
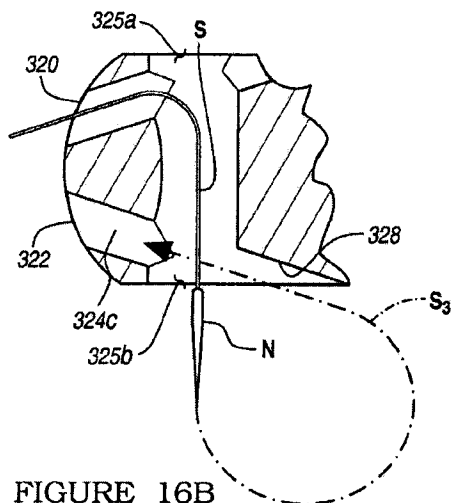
Applicants thank Examiner Tyson for the courtesy extended to Applicants' representative, Brian Hollis, during a telephonic interview on August 4, 2009. During the interview, Applicants' representative discussed the currently pending claims over the art of record. Applicants' representative indicated that new claim amendments would be presented that are directed toward the angled suture passages disclosed in Figs. 15-16C of the application as originally filed. Examiner Tyson indicated that while the art of record did not appear to disclose such features, that an update search will be conducted. Applicants' representative requested Examiner Tyson to contact him to discuss any potential new art uncovered during the update search and prior to issuance of a subsequent Office Action.

### **REJECTION UNDER 35 U.S.C. §102**

Claims 1-7, 9, 39, 40, 42, 47, 48, 51, 55, 60 and 64 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,264,677 (Simon). This rejection is respectfully traversed.

At the outset, Applicants note that claims 1 and 47 have both been amended to recite in part “a suture passage including first, second and third suture passage portions... wherein said first suture passage portion extends from said first eyelet along a first axis, said second suture passage portion extends through said outermost annular surface along a second axis that is generally perpendicular to said bone engaging axis and interconnects said first suture passage portion and a third suture passage portion, said third suture passage portion extending from said second eyelet along a third axis, wherein said first and third axes both diverge from each other from said terminal proximal end and both form exterior obtuse angles with said second axis”. Applicants direct the Examiner’s attention to at least Figs. 15-16C of the application as originally filed, which have been reproduced immediately below for reference.





Applicants note that the geometrical configuration of the respective first, second and third passage portions 324a, 324b and 324c (see Fig. 15 copied above) provides advantages over the prior art. For example, and as described in paragraph [0065] of the application as originally filed, the obtuse angles (see references  $\alpha$ ,  $\alpha'$ ,  $\beta$  and  $\beta'$ ) allow the suture to be easily passed through the suture passage 324 during an operative procedure. Furthermore, “the area within the suture engaging portion 304 is substantially small and tight and allows for only minute movements of the suture. Therefore, the suture passage 324 allows for an ease of threading of the suture during any procedure, particularly one being formed by a physician during a surgical procedure” (see paragraph [0065]).

Applicants submit that Simon fails to disclose such features. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection as it pertains to claims 1 and 47 and dependent claims therefrom.

#### **REJECTION UNDER 35 U.S.C. §103**

Claim 64 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,264,677 (Simon). This rejection is respectfully traversed.

Applicants note that claim 64 has been canceled rendering this rejection moot.

Claims 8, 19, 20, 22-24, 43-45, 49, 53, 56, 58, 59 and 61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,264,677 (Simon) in view of U.S. Pat. No. 6,139,565 (Stone). This rejection is respectfully traversed.

Applicants initially note that claim 8 ultimately depends from claim 1 discussed in detail above. For at least those reasons, Applicants respectfully submit that claim 8 is likewise in condition for allowance.

Turning now to claim 19, Applicants note that claim 19 has been amended to recite in part "said suture holding passage having first, second and third suture passage portions wherein said first suture passage portion extends from said first eyelet along a first axis, said second suture passage portion extends through said outermost annular surface along a second axis that is generally perpendicular to said bone engaging axis and interconnects said first suture passage portion and a third suture passage portion, said third suture passage portion extending from said second eyelet along a third axis, wherein said first and third axes both diverge from each other from said terminal proximal end and both form exterior obtuse angles with said second axis". Applicants submit that Simon alone or in combination with Stone fails to disclose such a configuration. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection as it pertains to claim 19 and dependent claims therefrom.

Claims 43, 48, 49, 56 and 61 each ultimately depend from either of claims 1 or 47 discussed above. For at least the reasons discussed above with respect to claims 1 and 47, Applicants submit that these dependent claims are likewise in condition for allowance.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Dated: 1/Sep/09

Respectfully submitted,

By 

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